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Building a Home for the Laws of the World: Part 1: Bates, Cook, and Coffey

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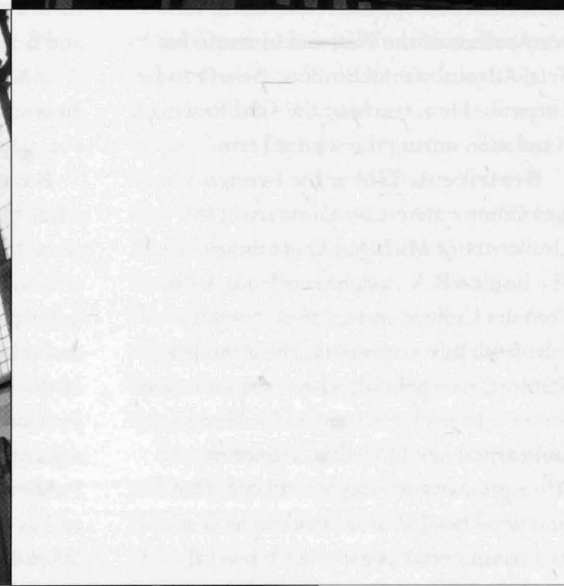
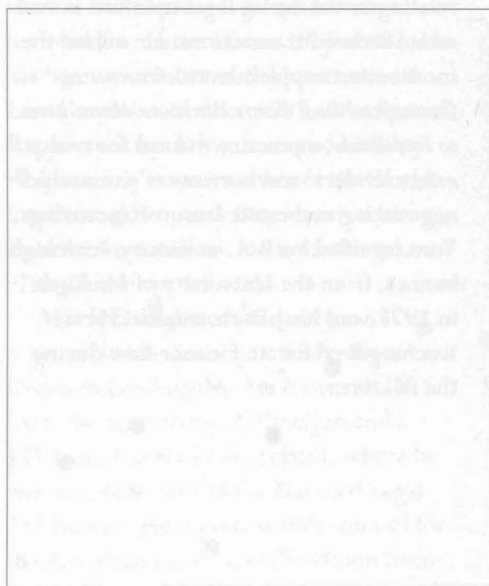
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Building a home for the laws of the world



By Margaret A. Leary

The following feature is an edited version of "Building a Foreign Law Collection at the University of Michigan Law Library, 1910–1960," © Margaret A. Leary, 2002, which originally appeared at 94 Law Library Journal 395–425 (2002), and appears here with permission of the author. The first part of the article appears here; the conclusion will appear in the next issue of Law Quadrangle Notes.

Building a home for the laws of the world

Part I: Bates, Cook, and Coffey

By Margaret A. Leary

During the first half of the 20th century, books as well as people emigrated from Europe and South America to the United States in huge numbers. The United States was wealthy, politically stable, internationally powerful, and almost completely free of natural disasters such as earthquakes and fire. The libraries of its growing institutions of government and higher education were able not only to purchase in the normal market but also to take advantage of economic and political instability elsewhere.

Academic research libraries in this country acquired deep and rich collections. They usually allowed anyone with a desire to use their material to have access to them, as did American public libraries. This open access flowed from the democratic principles of free basic education and the public's right to know, providing greater public access than libraries elsewhere in the world.

This article, based mostly on Law School and Law Library documents in the University's Bentley Historical Collection, describes the people and processes that built the foreign law collection at the University of Michigan Law Library, now among the best in the world according to faculty, visitors, and scholars who come from many countries to use the Library and say that Michigan's collection of material from their country is better than what is available to them at home.

The history of the development of any particular collection can illustrate the methods used by many libraries. In the case of the University of Michigan Law Library from 1910–1960, techniques included buying whole libraries from individuals, developing lists of *desiderata*, accepting gifts and exchanges, and using dealers abroad. Michigan's experience shows the value of starting early, having a clear understanding of the desired content, and working from a sound strategy.

The Michigan Law Library's development also illustrates the development of the profession of librarianship during the 20th century. For roughly the first half of the century, its librarians were intent upon acquiring, organizing, and cataloging the collection: what we now call technical services work. There is little evidence, however, that by 1960 the librarians at Michigan were conscious of having completed retrospective collection building, or that they realized the extent of the opportunity they had to shift from building to using the collection.

Finally, the story of the development of this one library illustrates how much difference individuals can make even to the largest institutions. Between 1920 and 1960, the vision of Dean Henry Bates, the financial resources of William W. Cook, the architectural genius of Edward Palmer York and Philip Sawyer, and the energy and intelligence of Law Library Director Hobart Coffey combined to create one of the world's most magnificent libraries.

The men who built the Michigan collection: Henry Bates' vision

Why did the University of Michigan Law School develop one of the world's most comprehensive collections of foreign, comparative, and international law materials? Who had the vision to build such a collection, and how was it achieved? The answer starts with the School's dean from 1910–1939, Henry Moore Bates.

In 1910, then-Professor Bates negotiated with the Regents of the University of Michigan for months about the terms under which he would accept the deanship of the Law School. Former Dean Harry Hutchins had just become president of the University. Bates' dream was



Building a home for the laws of the world



Henry Bates

to make Michigan a first-rank, internationally renowned law school, and he wanted to be sure he had transformative power sufficient to do that. He wanted full-time faculty members with an academic, rather than practical, bent. He wanted more, and better qualified, students. He wanted a curriculum that emphasized intellectual effort and that developed capabilities, rather than one that merely passed along superficial information about the law. He wanted a larger, finer physical facility. And he wanted a library that would support research and teaching in all aspects of the law, over all the world, for all historical periods.

Bates eventually obtained from the Regents the authority he needed. Between 1910–1939, his deanship did transform the Law School. Bates appreciated the central role of the library. He had been an officer of the Chicago Law Institute in 1902, during his pre-Michigan life practicing law in Chicago from 1890–1903. He also knew he needed an aggressive, imaginative, far-seeing person to build the Michigan collection. The first two librarians, John Vance and Victor Lane, had done a decent job of building a collection of Michigan material. But Bates saw Lane as too engaged in teaching to be a collection builder. He probably had little faith in the staff's ability to understand his vision if the following account of an event in 1918 is typical. As a visiting professor at Harvard Law School that year, Bates facilitated Michigan's acquisition of Harvard duplicates, but apparently the library staff disappointed him in their treatment of this opportunity.

On June 6, 1918, law library staff member E.B. Steere wrote to Bates at Harvard:

"I am sorry that you feel that our disposal of the Harvard lists was not satisfactory. So far as the year books are concerned we of course have only the 1678–1680 edition — none at all of those offered by Harvard, and it would be a wonderful piece of fortune for us if we could get them all. . . . In the list I sent you we were simply making a modest request because we did not suppose there was any chance of our getting more. We have not learned to do things on a big scale out here."

Bates very nearly did not return to Ann Arbor. Harvard offered him a professorship in April 1917, but in the summer of 1918 he decided to come back to the Michigan Law

School. Over the next three years he and President Hutchins successfully cultivated a donor, William Wilson Cook, who would eventually supply four buildings and an endowment to support faculty research. In 1921, Bates could certainly see the realization of his vision within reach, but had no idea of the frustrations that would intervene before it finally came to fruition more than a decade later.

William W. Cook's fortune

William W. Cook, born in 1858 in Hillsdale, Michigan, earned both bachelor's (1880) and law (1882) degrees at the University of Michigan. He immediately went to practice law in New York City, first in the office of William B. Coudert and later as general counsel for the Commercial Cable and Postal Telegraph Company of John W. Mackay and his son, Clarence Mackay. He retired from active practice in 1920, and for the next 10 years spent a great deal of time and energy in planning and executing gifts totaling \$16 million to his *alma mater*. Cook's gifts included the Martha Cook women's residence hall and, at the Law School, the Lawyers Club residence hall (1925), John P. Cook dormitory (1930), Legal Research Building (1931), and Hutchins Hall (1933). He also provided landscape architecture for the entire block, the Law Quadrangle, which contained the Law School buildings. And he left a trust fund to support faculty research and lectures on American institutions, which by 2000 was worth \$60 million.

The story of William Cook's professional life and his interactions with the University has not been fully told, largely because he was a very private man. Initially, he did not want the world to know he had given the money, and he never wanted his name associated with any of the buildings. Several contemporaneously published works, however, including those issued at the dedication of each of the Law School buildings, describe Cook's role in helping the Law School realize buildings that he never saw. In addition, later studies relying on primary source documents, many found in the Law School archives housed at the Michigan Historical Collections, have done much to recover and preserve this important historical record.

Cook and Bates initially shared mutual respect. In June 1921, Cook wrote to Hutchins that Bates “has ideas, other than brick and mortar and a mob, and I shall help him all I can.” However, by 1925 Cook refused to “have any communication with him, written or oral. . . . He certainly is the limit.” The story of Cook’s relations with Bates, Hutchins, and others is beyond the scope of this article, but the impact of the damaged relationship on the Law Library was real.

Although this rift would cause great frustration and delay, especially from 1925–1929, the prospect of the coming gift put Bates in a position to begin the actions that would help achieve his dreams.

York and Sawyer’s architectural expertise

William Cook first worked with the architectural firm of Edward York and Philip Sawyer in 1911, when he contracted with them to build his New York townhouse at 14 East 71st Street. He then used them for his first gift to Michigan, the Martha Cook building, and continued to work with them on subsequent Michigan projects and for interior furnishing with the Hayden Company. Ilene H. Forsyth’s book (*The Uses of Art: Medieval Metaphor in the Michigan Law Quadrangle*, 1993) includes many examples of the dialectical process that created the Law Quadrangle — determining the site, siting the individual buildings, selecting the type of stone — and quotes Cook’s description to York of this process as “going over the designs together, you furnishing the art and I the philosophy.” There never appears to have been any question that York and Sawyer would do all the buildings for which Cook provided the funds.

York and Sawyer met as associates at the preeminent New York City firm of McKim, Mead & White, where they worked together from 1891–1898. They left to form their own firm when they won a competition for Rockefeller Hall at Vassar College, where they eventually did six more buildings. In the next few years, they won 11 of 14 competitions, when the usual rate was one in four. After five years they had \$5 million worth of work, more than McKim, Mead & White. But York had to borrow a quarter from Sawyer to pay for lunch, as Sawyer notes in *Edward Palmer York: Personal Reminiscences by his Friend and Partner Philip Sawyer and a Biographic Sketch by Royal Cortissoz* 9 (1951).

The firm developed specializations in college buildings, banks, and hospitals. They designed about 50 banks, including the Franklin Savings Bank at 8th Avenue and 42nd Street, and the Bowery Savings and Federal Reserve banks in New York City. Hospitals included Tripler Army Hospital in Honolulu. They did a score of private residences, including a 26-room apartment for Mrs. W.K. Vanderbilt in 1927. They also did office buildings in Montreal and Toronto, and the U.S. Steel sphere at the 1939 World’s Fair in New York.

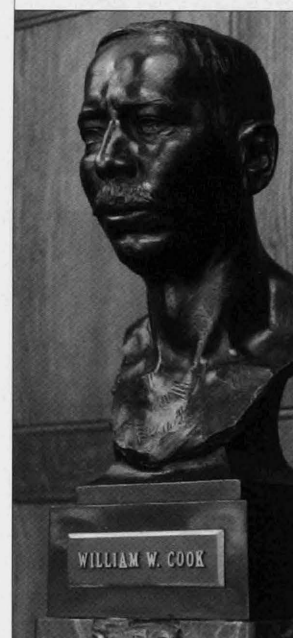
One measure of the extent of York and Sawyer’s work is their 67 entries, as of May 7, 2002, in the *Avery Index to Architectural Periodicals*. A measure of the historical influence of the firm is that entries begin in 1905, and the most recent is for an article in the March 2002 issue of *Architectural Digest* that details the restoration of “one of the great, grand apartments in Manhattan, a seldom-seen, beautifully preserved time capsule,” the very maisonette originally built for Mrs. Vanderbilt. An article in the June 2000 issue of *Interiors* describes the restoration of the 1923 Bowery Savings Bank.

York was the “thoughtfully directed energy behind” the partnership who nurtured clients and developed the overall strategy for the firm’s future, Sawyer recalled in his *Reminiscences*. He was “innately philosophical and serene,” a “rationalizing, constructive architect.” According to Sawyer, York did his work almost invisibly, “got his stuff drawn by others, let the contracts, built it satisfactorily without noise, working so intangibly that no one ever caught him at it.” And, Sawyer continues, his “scope was unlimited. He never lost patience with any client, no matter how foolish his suggestions, and when I once complained bitterly of a Building Committee [member] who would not allow me to do the thing which seemed to be obviously the best to me, he said, ‘But Sawyer, think of all the fool things that our clients have prevented you from doing.’”

Sawyer, in his own words, “was a draftsman. I would have confined myself to drawing, sketching, and painting, if I could have afforded it. I had compromised on architecture as the next best thing, and my interest was in rounding out the building on paper to the last detail. What happened to the drawing afterward didn’t much matter to me.”



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William W. Cook



Hobart Coffey

York was the lead architect on the Michigan project until he died in December 1928. His role in the design and detail of the buildings was critical to a dialectical process in making the Law Quadrangle. For example, he educated Cook about the quality of stone, and the rationale for using Gothic-style architecture. After York's death, Sawyer became equally influential, and Cook accepted his suggestions about the higher foundation and towers for the Legal Research Building.

By the early 1920s, then, the Law School had Bates' vision, the promise of Cook's money, and the architectural proficiency to create fine buildings. What remained was to create the library collections that could support the teaching and research for the present and long into the future. And by 1924, Bates had found the man he believed could build a great library at Michigan: Hobart Coffey.

Hobart Coffey's background

Hobart Coffey was born in 1896, according to documents researched for this article, "to a family of old American stock . . . my ancestors were Scotch and Irish who emigrated to northern Ohio from Maryland and Virginia around 1800." He was educated in Ohio, earning a B.A. in English from Ohio State in 1918. At Ohio State, he was a student assistant in the library for three years. He taught in several private schools before he went to the Michigan Law School, from which he earned an LL.B. in 1922 and a graduate J.D. in 1924. With the support of a Carnegie fellowship in international law, he studied French in Grenoble from July to November 1924 and then entered the University of Paris, where he passed both oral and written exams in French. He attended the Academy of International Law at The Hague in summer 1925, and in the fall he studied German at Heidelberg and then the University of Berlin. In spring 1926 he went to Munich for the summer, later returning there for another semester in 1928. He concentrated on public and private international law and comparative law. He spoke French and German with some fluency, had some command of Italian, did considerable work in Russian, and had a very good knowledge of Spanish.

Did Coffey set out to become a law librarian? There is nothing in his papers, or those of the

Law School or the Law Library, to suggest that such was his goal. There is no evidence that he attended library school, although Michigan established one in 1926. In 1924, after Bates asked him to become the law librarian, Coffey consulted Michigan Law Professor Edwin Dickinson, who wrote back with thoughtful encouragement. As a result of his service for years on the Library Committee, as well as his interest in international law, Dickinson knew that the library collection required significant improvements. In his reply to Coffey, Dickinson expressed his happiness at Coffey having seen the League of Nations in action and congratulated him on the acceptance of his admiralty article by the *California Law Review* and on the progress he had made in the art of French conversation. He speculated that the job of law librarian would have real attractions "if one loves books, likes to research, has some capacity for efficient administrative organization, and knows how to get others to do the routine effectively. . . . [T]here is a rather exceptional future in the position which Dean Bates has in mind for our School . . . [and] the position will be one of real dignity. It will require that the incumbent acquire an immense amount of information about books, foreign and domestic. It will present some real problems in organization. There will be unusual responsibilities involved in the development of a large research library. . . . The librarian should be in a very substantial sense the master of his own time. The salary will no doubt be better than professors' salaries in most law schools. . . . In addition to the above, I should expect that the job would involve some rather attractive opportunities to travel in search of books, libraries to buy, etc. Personally, I would be much pleased to see you tackle the job."

Coffey accepted the offer and began his career as a librarian in enviable fashion: as assistant law librarian (on leave) in 1925–26, while he studied abroad.

Bates and Coffey collaborate, 1925–28

Bates had kept a firm hand on the library's development from the very start. On October 19, 1910, the faculty approved the appointment of a Library Committee, to consist of the dean, the librarian, and three other faculty members appointed by the dean.

Faculty members of the committee were those who wanted the library to expand and who had the expertise to identify needed material. The Library Committee met in the dean's office.

From 1922–1925, the Library Committee consisted of Bates, Librarian Victor Lane, and Professors Joseph H. Drake, Horace L. Wilgus, Edwin Dickinson, and Edgar Durfee. Drake, who began serving as early as 1914, specialized in Roman law. Wilgus, also serving since 1914, was a teacher of corporations, commercial, and tax law. Dickinson, a specialist in international law, joined the committee in 1919. Durfee, who taught equity, rounded out the subject expertise on the committee. Blythe Stason, who succeeded Bates as dean, joined the faculty in 1924 and served on the Library Committee from 1928–1933, a critical period for the construction of the Legal Research Building.

Committee minutes consist of lists of suggested titles, and by 1922 included some items of international and comparative law, as well as court reports and statutory material from non-U.S. common law jurisdictions — which was what passed for “foreign law” at the time.

Bates, who chaired the committee during his entire deanship, paid attention to more than book selection, especially before Coffey arrived. For example, at a meeting in 1922, he stated that “undoubtedly money could be obtained for catalogers, to make available the foreign material recently acquired.” The search for catalogers would include consulting Harvard, the Library of Congress, and eastern library schools.

However, once Coffey was on board, Bates could delegate. For instance, Bates wrote to Coffey, who was in Paris at the time:

“You are to go on with your investigations in the graduate work in international law and other fields in which we are trying especially to develop our library. . . . [D]evelop your knowledge of French, German, and Spanish. . . . Undoubtedly we will have to do much in South America in the future. The more you can do to establish contacts with book dealers and libraries of Europe, the better.”

Other letters from Bates to Coffey in Geneva and in Berlin illustrate Bates' personal role in, and commitment to, building a foreign, comparative, and international law collection

at Michigan. Coffey spent much of both the 1924–1925 and 1925–1926 academic years in Europe, studying law and languages and buying books. He did the same in the summer of 1928. However, by the fall of that year, he began to lose faith in the School's commitment to building a great library. He and the rest of the faculty were frustrated that a new building for classrooms, faculty offices, and the library was not yet built. The School's students had, since 1924, been living in the sumptuous Lawyers Club dormitory financed by William Cook, but the Law School's benefactor was slow to give more. As Forsyth observes, “[Cook] succeeded in maintaining a surprising amount of control to the very end.” A major element of Cook's control derived from the Law School's desire for the building that would house faculty offices and classrooms. By postponing that building to the end, Cook held the trump card.

Cook's relationship with Dean Bates had soured, particularly during construction of the Lawyers Club in 1924–1925. President Marion Burton, with whom Cook had good relations, died prematurely in 1925, and Clarence Cook Little replaced him. From 1925–1928, Little and Bates were unable to persuade Cook to provide resources for the buildings needed to house the library, faculty offices, and classrooms. Meanwhile, with no immediate prospect of more space, the precious and growing collection of foreign law books, along with gifts from Cook himself, were piled in the halls of the fire-prone Law Building, one-half mile north of the finished Lawyers Club where students resided.

In August 1928, Coffey expressed frustration and concern about a lack of commitment to building a foreign and international collection at an informal meeting of the Library Committee:

“The committee discussed building up a library of comparative law. Some faculty have objected to this, but the committee felt it had always been and still was the wish of Dean Bates. The librarian was of the opinion that we have reached the crossroads in the development of our library and we must decide very shortly exactly what kind of library we hope to build during the next two or three decades and prepare a program embracing these aims. He suggested that in case the faculty decided not to go further with foreign law and international law . . . the services of the present



**Building a home
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librarian might well be dispensed with, since someone else could be secured to do all that was necessary at much less expense. He felt that most of his qualifications would be more or less superfluous in a library which did not go outside the field of American and English law. Dickinson and Stason were both of the opinion that the faculty would continue to pursue the policy which it has pursued during the past five years, namely, building up as rapidly as possible the foreign and international law collections. The librarian pointed out that we should have to do a great deal more than we have done in the past, and that in certain fields we should have to act very quickly. He reported that he had purchased several thousand dollars worth of material on his recent trip to Europe, all done on his own initiative, and he had paid all of his own expenses. This, he said, he had no intention of doing in the future. Stason suggested that a sum should be set aside to provide adequate traveling expenses so that the librarian could visit the various European countries from time to time, and perhaps also the countries in South America."

In 1928, the Library Committee met monthly, and there is no further record of anyone questioning the School's commitment to fulfilling Bates' vision.

Reaffirmation and inspiration: 1929

After the frustrations of 1928, 1929 first brought new hope through Cook's formal commitment to build a Legal Research Building, and then inspiration as Coffey visited the Harvard Law Library.

Cook reaffirmed his commitment to provide a library building with a formal offer to the Regents on January 11, 1929. The library moved into the new Legal Research Building in 1931. Cook had died in 1930, leaving most of his wealth to the Law School. There was further delay in 1931 when his former wife, claiming their divorce had not been valid, sought her widow's share. However, by December of that year Regent James O. Murfin announced an agreement, and the terms of the settlement were final by February 1932. The Law School inherited the rest of his fortune. The Cook Trust has supported faculty research ever since.

Inspiration came when Coffey visited the Harvard Law Library from May 20 to July 10, 1929. He recorded his observations in a memo that is both fascinating and amusing, but its significance for collection building lies in Coffey's articulation of the methods that Michigan would have to use to build a collection even approaching the comprehensiveness of Harvard's.

- First, Michigan needed to put through book orders with more efficiency and more thorough preorder searching.
- Second, Michigan needed to develop more sources. "Harvard has five sources of material where we have one. Lines are out to all corners of the globe, to publishers, agents, professors, friends of the school, men in public life, etc." Michigan needed to know about a commission appointed to suggest changes in the constitution of Arkansas or an international conference on the safety of lives at sea. Coffey suggests "a little discrete publicity . . . not to ape the methods of the athletic association nor Yale Law School, of course."
- Third, Michigan would benefit from a faculty library, with law reviews and court reports. Finally, Coffey investigated how the Marquis de Olivart worked up the collection of international law at Harvard, "probably the best collection of international law in the world." He found that Olivart used the same method Coffey contemplated, "preparing a comprehensive want list based on works cited in Fauchille, Oppenheim, Hyde, von Liszt, Sanchez, and Ansolotti. With this list as a guide we could spend the next quarter century building up a collection which might even be superior to the Olivart."

Coffey also learned the value of creating a complete record and controlling the circulation of books. He reported that "no one knows how many hundreds or even thousands of books have been lost, because no inventory can be taken. There is no shelf list by which to take an inventory."

Thus by fall 1929 the new building was assured, and Coffey knew how to proceed to fill it with foreign, comparative, and international material as well as that from the United States. Over the course of the next 35 years, he would do just that.

Building the collection, 1925–1960

Nearly 30 years later, Coffey himself provided a rough sketch of the origins and development of Michigan's foreign and international law collection:

"Although Harvard began to collect foreign law materials as early as 1841, our Law Library seems to have had few, if any, books dealing with foreign law until about 1897, when part of the Buhl bequest is said to have been used for the purchase of foreign material. The accession records, which began in 1900, reveal that the "foreign material" referred to was the books. . . . Because of the common-law background of most British possessions we should today scarcely regard their legal materials as 'foreign.' No works on German, French, or Italian law appear in our accession records until the first two decades of the 20th century, and there were very few of those. Even as late as 1920 the foreign law collection occupied only a few shelves in the workroom of the order department.

"Between 1920 and 1925 three large foreign libraries were purchased: the Star Hunt collection of Spanish and Mexican law; the Heinrich Lammasch Collection, devoted largely to international law; and the Viollet Collection, which for the most part related to French law and legal history. In 1929 the Library acquired the collection of private international law which formerly belonged to Professor Antoine Pillet of the Faculty of Law of the University of Paris. In 1935 we acquired the library of Professor Francesco Carrera, eminent criminologist, of the University of Pisa. All of these purchases greatly enriched the Library.

"No attempt seems to have been made to acquire an international law section until about 1919, when Edwin de Witt Dickinson was added to the staff of the Law School. Professor Dickinson, whose main interest had been public and private international law, immediately recognized the inadequacy or, in fact, the almost total lack of books and documents in his field. He prepared bibliographies and want lists and was instrumental in helping the Library to acquire many of the important and fundamental source materials in international law and relations. The systematic effort begun in 1919 has been continued through succeeding years and has resulted in the University's having the

most complete collection to be found west of the Atlantic seaboard. It has attracted scholars not only from this country but also from many other parts of the world.

"Professor Joseph Horace Drake, a member of the Law School faculty from 1907–1930, had a lively interest in both Roman and comparative law. In 1923–24, while on a leave of absence in Europe, spent principally in Germany and France, he helped the Library to acquire its first important materials from those countries. In the following three decades great emphasis was placed on the acquisition of the constitutions, codes, laws, and judicial decisions of all-important foreign countries. To find this material and arrange for its purchase, the director of the Library made several trips to the various countries of Europe, including the Soviet Union, two trips to Mexico and Central America, and one to the Caribbean and South America. The foreign law section of the Library is now one of the outstanding collections of the world."

This description is correct so far as it goes, but it says nothing about the critical specific steps in the "systematic effort . . . continued through succeeding years." Just how did Coffey, the faculty, and the library staff identify and acquire the books to create "one of the outstanding collections of the world?" As will be shown in the following sections, Coffey developed the collection using at least five different tools: assistance from the faculty, travel abroad, developing relationships, exchanging and selling duplicates, and receiving gifts.

(End of Part I. Continued in the next issue of Law Quadrangle Notes.)

Margaret A. Leary is director of the Law Library. From 1973 to 1981, she served as assistant director and from 1982 through 1984 as associate director. She received a B.A. from Cornell University, an M.A. from the University of Minnesota School of Library Science, and a J.D. from the William Mitchell College of Law. Leary has worked to build the comprehensive library collection to support current and future research in law and a wide range of disciplines. She has also developed strong services to support faculty research. The Law Library is known for its international law resources, which attract research scholars from around the world.



Margaret A. Leary